



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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Washington, DC 2023

January 23, 2003

Ms. Shannon K. Reeser
Varieties International
P. O. Box 753
Lafayette, OR 97127

In re application of:
Guennadi Eremin
Serial No.: 09/880952
Filed: June 15, 2001

For: Prunus Plant named 'VVA-1'

This is a decision on the documents received January 11, 2002, to complete the above-identified application.

The above-identified application become abandoned for failure to reply within meaning of 37 CFR 1.53(b), (c), or (d) in a timely manner to The Notice of Incomplete Nonprovisional Application mailed August 17, 2001. Which set a shortened statutory period of two (2) months to reply to the notice. No extensions of time can be obtained to continue the time for responding to the Notice of Incomplete Nonprovisional Application.

On January 11, 2002 the office received a late incomplete response to Notice of Incomplete Nonprovisional Application mailed August 17, 2001

This application is ABANDONED. ✓

Enclosed is a copy of the abandonment notice mailed January 22, 2003.

Petitioner(s) may wish to consider filing a petition to the Commissioner under 37 CFR 1.37(a or (b) requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing

application in a non provisional application abandoned for failure to prosecute (2) the \$110 petition fee required by 37 CFR 1.17(l) (\$55 if petitioner has

established small entity status); (3) an adequate showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

Under 37 CFR 1.137(b), a petition requesting that the application be revived on the grounds of unintentional delay must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute; (2) the \$1210 petition fee required by 37 CFR 1.17(l) (\$605 if petitioner has established small entity status); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

The applicant may direct further correspondence regarding this application to:

Box DAC
Office of Petitions
Assistant Commissioner for Patents
Crystal Plaza 4 CP-3C23
South Clark Place
Arlington, VA 2202

A handwritten signature in black ink, appearing to read "Doshie E. Day". The signature is fluid and cursive, with the first name being the most prominent.

Doshie E. Day
Program Management Assistant
Office Initial Patent Examination.